

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALAN WILSON LUMSDEN,

Petitioner,

v

Case No. 06-14966

WILLIE SMITH,

DISTRICT JUDGE ARTHUR J. TARNOW

Respondent.

MAG. JUDGE PAUL J. KOMIVES

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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #38] filed July 15, 2008. The Magistrate Judge recommends that this Court deny petitioner's application for the writ of habeas corpus. Petitioner filed objections on August 8, 2008.

Having reviewed the file, the Report and Recommendation and the objections the Court **ADOPTS** the Report and Recommendation as the findings and conclusions of the Court. Accordingly, petitioner's application for the writ of habeas corpus is **DENIED**.

s/Arthur J. Tarnow

Arthur J. Tarnow

United States District Judge

Dated: August 25, 2008

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on August 25, 2008, by electronic and/or ordinary mail.

s/Catherine A. Pickles

Judicial Secretary